



WEST VIRGINIA

ALCOHOL BEVERAGE CONTROL ADMINISTRATION

FREDRIC L. WOOTON, COMMISSIONER

March 29, 2022

VIA HAND DELIVERY

Maureen Lewis
Secretary of State's Office – Administrative Law
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

Re: West Virginia Code of State Rules
– Administrative Notice for 175 CSR 6

Dear Maureen:

Pursuant to WV legislative rule 175 CSR 6, specifically §§ 8.5, 11.1., and 11.2., the attached Table 1 amended is being amended by publication on March 29, 2022, in the State Register which will be effective June 27, 2022, (at least 90 days from the date the Administrative Notice was published). The rule will be final filed on June 27, 2022 via a Technical Amendment as advised by WV SOS.

The relevant sections are as follows:

“11.1. Suppliers doing business with ABCC under the bailment inventory system will be charged for routine warehousing services, such charges will be deducted from the amount due the suppliers for withdrawals of their stock from bailment inventory.” . . . **“The amount of such charges will be imposed by administrative notices filed in the State Register.”**

11.2. ABCC may also impose handling fees when extra services are performed. Examples of extra services and charges are as follows: (See Table 1 at the end of this rule.)”

No fees or charges are being amended. The format of Table 1 is being amended to clarify that the Table contains certain routine warehouse charges and certain extra service charges. No supplier charges have been removed from Table 1.

If you have any further questions, please feel free to contact the WVABCA at 304-356-5507.

Sincerely,

Anoop Bhasin, Esq.
General Counsel

TABLE 1 – WAREHOUSE CHARGES TO SUPPLIERS

<u>SERVICE</u>	<u>CHARGE*</u>
<u>Routine Warehouse Charges per §11.1.</u>	
Recouping/Repacking damaged cases	\$2.00 per case (new carton not needed)
Supplying new cartons for damaged cases	\$5.00 per box
Relabeling or recoding cases	\$5.00 per label
Restacking or hand unloading pallets	\$15.00 per layer
Loading cases for return to supplier	\$10.00 per pallet + \$.80 per case Bailment withdrawal
<u>Extra Services Charges per §11.2.</u>	
Destruction of cases	\$2.75 per case
Out of stock (inventory level as required by WVABCA)	32% of Vendor's Delivered Case Cost for each backordered case
Delivery no show/no call	\$100.00 the 1st occurrence, \$250.00 the 2nd occurrence \$250.00, and on the 3 rd occurrence the WVABCA will review the trucking company, manufacturer and broker's files to determine whether or not to continue to accept deliveries.

Upon a showing of good cause, the Commissioner may, in his sole discretion, waive a charge or fee on this list.

* Note: Charges are subject to change with ninety (90) days' notice by ABCC, such notice to be filed in the State Register. (See 175 CSR 6, specifically §§8.5., 11.1. and 11.2.)

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